IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 938/2003

SHARVAN KUMAR VS. KRISHI UPAJ MANDI SAMITI

DATE: 11.05.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. A.K. Gupta for the accused-petitioner.
Mr. Inderjeet Singh for the complainant-respondent.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the order dated 16.07.2003 passed by the Additional Chief Judicial Magistrate No.2, Alwar in Criminal Revision No. 38/97 dismissing the application dated 13.08.2002 filed by the petitioner for withdrawing the order taking cognizance on the ground that the complaint has been filed beyond the period of limitation.

Learned counsel for the petitioner placed reliance on the judgment rendered by this Court in the case of **M/s Sri Om Industries & Oil Mills Ltd. & 7 Ors. Vs. Krishi Upaj Mandi Samiti, 1997 Cr.L.R. (Raj.) 515** and submits that the trial Court has no jurisdiction to take cognizance after expiry of the period of

limitation.

Be that as it may, having heard the rival submissions of the respective parties and upon careful perusal of the impugned order dated 16.07.2003, I find illegality and error apparent on the face of the record which requires interference by this Court.

Consequently, the impugned order dated 16.07.2003 passed by the Additional Chief Judicial Magistrate No.2, Alwar is herewith quashed and set-aside and the matter is remanded back to the trial Court for fresh adjudication in the light of the aforesaid judgment and as per the provision of law and shall pass fresh order of cognizance.

The revision petition stands allowed accordingly.

(K.S. RATHORE),J.

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